

DOCKET NO: 293518US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KLAUS-DIETHER WIESE, ET AL. : EXAMINER: CAMPANELLO, FRANCIS
SERIAL NO: 10/588,762 :
FILED: JANUARY 10, 2007 : GROUP ART UNIT: 1797
FOR: METHOD FOR THE PRODUCTION :
OF OLEFINS COMPRISING 8 TO 12
CARBON ATOMS

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

Applicant hereby petitions for revival of the above-identified utility application. A final Official Action was mailed April 20, 2009. A Notice of Appeal was filed on May 4, 2009. An RCE and IDS were filed July 1, 2009 (copies of which are attached hereto). On December 18, 2009, a Communication Re: Appeal was sent dismissing the application because an RCE was filed (copy enclosed).

No Terminal Disclaimer is required, as this application was filed after June 8, 1995. The Petition fee is included. A reply to the outstanding final Official Action is filed herewith.

Application No. 10/588,762
Petition to Revive

The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Anne St. Martin', is written over a horizontal line.

Anne St. Martin
Attorney of Record
Registration No. 65,779

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(OSMMN 07/09)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,762	01/10/2007	Klaus-Diether Wiese	293518US0X PCT	9729
22850 7590 12/18/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CAMPANELL, FRANCIS C	
			ART UNIT 1797	PAPER NUMBER
			NOTIFICATION DATE 12/18/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

COPY

Communication Re: Appeal

Application No.

10/588,762

Applicant(s)

WIESE ET AL.

Examiner

Art Unit

FRANK C. CAMPANELL

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:

- (a) ☐ it was not timely filed.
- (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
- (c) ☐ the appeal fee received on _____ was not timely filed.
- (d) ☐ the submitted fee of \$_____ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$_____.
- (e) ☐ the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
- (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☐ The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:

- (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
- (c) ☐ the submitted brief fee of \$_____ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$_____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).

3. ☒ The appeal in this application is DISMISSED because:

- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (c) ☒ a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on 1 July 2009.
- (d) ☐ other: _____.

4. ☒ Because of the dismissal of the appeal, this application:

- (a) ☒ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration.

/Walter D. Griffin/

Supervisory Patent Examiner, Art Unit 1797

Electronic Acknowledgement Receipt

EFS ID:	5628376
Application Number:	10588762
International Application Number:	
Confirmation Number:	9729
Title of Invention:	<div>COPY</div> <div>Method for the production of olefins comprising 8 to 12 carbon atoms</div>
First Named Inventor/Applicant Name:	Klaus-Diether Wiese
Customer Number:	22850
Filer:	Marvin Jay Spivak/Habib Ahmed
Filer Authorized By:	Marvin Jay Spivak
Attorney Docket Number:	293518US0X PCT
Receipt Date:	01-JUL-2009
Filing Date:	10-JAN-2007
Time Stamp:	16:42:26
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$810
RAM confirmation Number	3198
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		293518USRCE.PDF	131045 ef890a4129c449c9e5742a4bd438ffd71fbfc cf0	yes	4
Multipart Description/PDF files in .zip description					
	Document Description	Start	End		
	Request for Continued Examination (RCE)	1	1		
	Transmittal Letter	2	2		
	Information Disclosure Statement (IDS) Filed (SB/08)	3	3		
	Miscellaneous Incoming Letter	4	4		
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30660 7d7e1761fdfea1f9a72b9e7a5b6771775960 bd67	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			161705		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Klaus-Diether WIESE, et al.

SERIAL NO: 10/588,762

GAU: 1797

FILED: January 10, 2007

EXAMINER: CAMPANELLO, F.

FOR: METHOD FOR THE PRODUCTION OF OLEFINS COMPRISING 8 TO 12 CARBON ATOMS

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

COPY

SIR:

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Submission required under 37 C.F.R. §1.114

Previously Submitted:

- ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

Enclosed:

- ☐ Amendment/Reply
- ☒ Information Disclosure Statement (IDS)
- ☒ Other: List of Related Cases; Related Case Status Update

FEES	RATE	CALCULATIONS
<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of months.	\$130.00	\$0.00
<input checked="" type="checkbox"/> RCE Fee required under 37 C.F.R. §1.17(e)	\$810.00	\$810.00
<input type="checkbox"/>		\$0.00
<input type="checkbox"/>		\$0.00
TOTAL OF ABOVE CALCULATIONS:		\$810.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING AS SMALL ENTITY		\$0.00
TOTAL:		\$810.00

- ☒ Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **\$810.00**.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no payment is enclosed herewith, or credit any overpayment to Deposit Account No. **15-0030**.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136, and any additional fees required under 37 CFR 1.136 for any necessary extension of time may be charged to Deposit Account No. **15-0030**.

Respectfully Submitted,

OBLON, SPIVAK, MCCLELLAND,
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Frederick D. Vastine, Ph.D.

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Docket No. 293518US0X PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Klaus-Diether WIESE, et al.

SERIAL NO: 10/588,762

GAU: 1797

FILED: January 10, 2007

EXAMINER: CAMPANELLO, F.

FOR: METHOD FOR THE PRODUCTION OF OLEFINS COMPRISING 8 TO 12 CARBON ATOMS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

COPY

REFERENCES

- ☐ The applicant(s) wish to make of record the reference(s) listed on the attached form PTO-1449. Copies of the listed reference(s) are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language reference(s).
- ☐ Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☒ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.
- ☐ Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030.

Respectfully submitted,

OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
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	Docket No.: 293518US0X PCT	Serial No.: 10/588,762
LIST OF RELATED CASES CITED BY APPLICANT UNDER 37 CFR 1.56	Inventor: Klaus-Diether WIESE, et al.	
	Filing Date: January 10, 2007	Group: 1797

LIST OF RELATED CASES

<u>Examiner Initial</u>	<u>Docket No.</u>	<u>Serial or Patent Number</u>	<u>Filing or Issue Date</u>	<u>Patent App. Publication No.</u>	<u>Inventor or Applicant</u>
	293518US0XPCT*	10/588,762	01/10/07	US2007/0135665 A1	WIESE, et al.
	333391US0XPCT	12/300,224	11/10/08		KAIZIK, et al.

Examiner

Date Considered

COPY

*Present Application; listed for information
NFO/ach

RELATED CASE STATUS UPDATE**Instant Application No: 10/588,762****Jun-04-2009**

Application No / Control No	PTO Action Description	PTO Mail Date	Applicant Action Description	Date Filed
10/505,879	1st Office Action	Feb-05-2009	1st OA Resp	May-05-2009
11/117,335	Office Action	Mar-19-2009	OA Response	May-29-2009
11/320,409	Office Action	Jan-15-2009	OA Response	Apr-15-2009
10/584,148	Notice of Appeal	Jun-17-2008	Appeal Brief	Jun-17-2008

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